IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4950 OF 1992

Vishnu Prabhakar Gangal & Ors. ...
Petitioners

Versus

Tahsildar, Karjat, & Ors. ...
Respondents.

Ms. Deepa Sawant for the petitioners

Mr. V.S. Gokhale, Assistant Government Pleader,
for Respondents No. 1 to 3.

CORAM: V.G. PALSHIKAR, Ag.C.J., &
D.B. BHOSALE, J.
DATE: NOVEMBER 14, 2005.

P.C.:-

1. By this petition, the petitioners have challenged the action taken by the respondents under the Maharashtra Rice (Levy on Rice Millers) Order, 1989 of recovering compulsorily the levy imposed by the State.

2. In this case, Rule was granted and the coercive action was stayed. The petition is pending since 1992. Meanwhile, during 13 years of the petition being pending, no levy was

claimed by the State. During the pendency of this petition, the Maharashtra Rice (Levy on Rice Millers) Order, 1989 also came to an end.

3. When this petition came up for final hearing, it was observed that the petition may not survive, as no coercive action for recovery of paddy for subsequent years from the millers has been factually taken. However, on behalf of the petitioners, it was expressed that no action is being taken because petition is pending. To alley this fear, the State Government was asked to make a definite statement in relation to the stand taken by the Government in this regard and the matter was adjourned.

4. When a similar matter came up on 26th July, 2002, a letter from the Government to the Additional Government Pleader, Bombay High Court, Bombay, was filed where the Government had decided not to coercively recover levy rice from any of the Rice Mill Owners for the period between 1992-93 and 2001-02. The communication also mentioned that for last few years, even the Government of India has

stopped recovering the levy. In fact, the Food Corporation of India has stopped accepting levy rice and it is therefore that the decision has been taken not to make coercive recovery of levy rice. In view of this candid statement made on behalf of the State by letter dated 17th July, 2002, this petition does not survive. The State Government has unequivocally stated that it shall not take, for the period mentioned in that letter, any coercive action for recovery of levy rice. Therefore, no grievance of the petitioners survives. This petition is accordingly disposed of.